

Application No. 10/755,842  
Paper Dated March 30, 2004  
Customer No. 28289  
Attorney Docket No. 3139-040120



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/755,842  
Applicant : **Andrew R. JAMIESON**  
Filed : January 12, 2004  
Title : **STRAWBERRY VARIETY NAMED 'CABOT'**  
Group Art Unit : 1661  
Examiner : Michelle R. Kizilkaya

**REQUEST FOR SUSPENSION OF ACTION UNDER 37 C.F.R. § 1.103**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby requests that action by the Patent and Trademark Office be suspended on the above-identified plant patent application for a period of six months.

The patentability of a claim to a plant variety described in a printed publication and publically available outside the United States (as in the above-identified application) will be determined by the Court of Appeals for the Federal Circuit. The Federal Circuit will hear arguments on April 9, 2004 regarding the new interpretation by the Patent and Trademark Office of 35 U.S.C. § 102(b), as it relates to plant patents. Thus, Applicant requests suspension of action in the present application until the Federal Circuit renders a decision. Applicant believes that a decision will be reached within the next six months and that the decision will determine the outcome in the present application.

A check to cover the required fee under 37 C.F.R. § 1.17(i) is enclosed.

Accordingly, it is respectfully requested that this Request for Suspension of Action be granted.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 30, 2004.

Theresa Ulinski  
(Name of Person Mailing Paper)  
*Theresa Ulinski* 03/30/2004  
Signature Date

By

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